

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34304

STATE OF IDAHO,	)	2008 Unpublished Opinion No. 394
	)	
Plaintiff-Respondent,	)	Filed: March 6, 2008
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
CHAREE ANDREA NELSON,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Judgment of conviction and concurrent unified sentences of seven years, with two years determinate, for burglary, and ten years, with three years determinate, for grand theft, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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PER CURIAM

Charee Andrea Nelson was convicted of burglary, Idaho Code § 18-1401, and grand theft, I.C. §§ 18-2403(1), -2407(1)(b). The district court imposed concurrent unified sentences of seven years, with two years determinate, for burglary, and ten years, with three years determinate, for grand theft. Nelson appeals, contending that the sentences are excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). The issue presented to this Court is not whether the

sentence is one that we would have imposed, but whether the sentence is plainly excessive under any reasonable view of the facts. *State v. Burdett*, 134 Idaho 271, 279, 1 P.3d 299, 307 (Ct. App. 2000). If reasonable minds might differ as to whether the sentence is excessive, this Court is not free to substitute its view for that of the trial court. *Id.* Having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Nelson's judgment of conviction and sentences are affirmed.